3635

1954

File No BBA 1354

RHARC

DEPARTMENT 1061 Revenue Archives

BRANCH

Karnataka

Subject:—

B Class

Shakti Talkies

Rajabeegum

BBA 1354 I

Karnataka

Review Petition Section

29/4

BBA 1354 I

B Class

File No.

Etd. Scott. Slip. 24 A

BBA 1354/121811

P.WD

Pl. see the representation from the Proprietors of Shri. Shakti Talkies, Ramakeemma, on. p 1-4 cls.

2/- The Proprietors of Shri. Shakti Talkies had not obtained the prior permission of the D.M & Controller of Blds., Dharwar, as is required under the B'bay Blds. (Control on Erection, Direction & Conversion) Act, 1948, for using the specified blds. materials viz cement and a.c. sheets in the construction work of their cinema theatre. The parties had thus committed breach of the B'bay Blds. (C. on E. D. & C) Act, 1948. It was, therefore, decided to prosecute them for the breach and the D.M. & Controller was informed accordingly. (Pl. see Dy. dt. the 19-9-52 and 8-10-52, serial no. 6 of the flag slipped at and C.Z. dt. the 1-10-53 in this connection).

3/- As for para 3 of the parties' representation, it may be stated that they had never clearly made an application in writing to the D.M. & Controller of Blds, Dharwar, under the B'bay Blds. (Co. on E. D. & C) Act, 1948. This point raised by the parties was previously considered by Govt. Pl. see the portion marked 'X' of our dt. the 19-9-52 and C.Z. dt. the 22-9-1952. It is also interesting to note the workings.

wordings used by the parties in their present representation (Pl. see 'P' & 'Q' on p 2-3 of which are as below:-

" ..... our application in the form of the statement by the managing partner ....."

" ..... Our application for no objection certificate to the Dist. Magistrate was forwarded to the Police Inspector to whom one of the proprietors made a request for grant of the permission under the Bhay Rely. (C. on E.) Act, 1948 ....."

Clearly, the above cannot be taken as an application in writing to the D.M & Controller of Relys., Dharwar, under sec. 4 of the Bhay Rely. (C. on E. R. & C.) Act, 1948. The D.M. had also stated that there was no specific request made to him for permission to use the specified Rely. materials and that he could not, therefore, give a reply to the parties. In fact, the parties had stated in their application to the D.M. that they would not use controlled materials such as cement & iron in the construction work. The parties claim that as no reply was recd. for more than a month, to their application (which was for grant of a location certificate only and not for permission under the Bhay Rely. (C. on E. R. & C.) Act, 1948) submitted to the D.M. and the Police Inspector, Haveli Dn., permission is deemed to have been granted as per sub-section (3) of Sec. 4 of the Act is, therefore fantastic and untenable

41-....

4/- The parties' claim made in para 4 on p 3 cls. is untenable as mere grant of a 'No objection' certificate and a licence do not mean that the breach under the B'bay Bldg. (Con. & R & C) Act, 1948, is condoned. The H.D. may, however, see these papers for remarks w/r to 'Y' on p 3 cls. Mah. Dept. was apprised of the position of the case (Pl. see this Dept. Nn dt. the 8-10-52 in H.D. file No. 2922 (5)/91740)

5/- As for the parties' claim at '2' on p 4, it may be stated that there does not seem to be any time limit in filing complaint against anyone for committing a breach of the B'bay Bldg. (Con & E.R. & C) Act, 1948. Moreover, the D.M & Controller was instructed, under G.L. dt. the 1-10-53, to explain to the Court that the delay in launching action is due to the legal question being finally settled by the Supreme Court only in March, 1953. The L.D. may, however, see these papers for remarks w/r to 'Z' on p 4 cls.

6/- The H.D. & the L.D. may be requested to return these papers at an early date.

BBA 1353/12/811-H
8-10-54
C-5289

Addl. Ds.
n.o. to H.D
L.D.

n.o. to the H.D
L.D
(with file dt 6-10-54
No. BBA/1353).

H

H&S (Loc)

Submitted with reference to para 4 of the foregoing Note. → p 3 ante

2 The Police Inspector, Haveri Division had granted a "no objection" certificate on 10-8-50 to Shri B.T. Bijadgi to construct a cinema theatre at Ranebennur. In accordance with the general orders issued in Secret G.L, H&S No: 2922/5: Poll. dt 2-3-50, the D.M, Dharwar, recommended the case to Govt in Sept. 1950, without disclosing the fact that the party was already granted the "no objection" certificate. On account of the population of Ranebennur and as 2 cinemas were already licensed in that place, Govt did not accept the recommendation. The D.M. therefore withdrew the certificate on 4-10-50. At that time the building had come to the ground level & the party continued with the construction & completed the theatre inspite of the withdrawal of the "no objection" certificate. The plans of the theatre were not certified by a qualified architect and approved by the Ex. Engr as required under the Rules for licensing & Controlling Theatres.

A

3 In view of the legal implications

5

2/

× p 87-88, in file 2922/5-B-I(A) below

Π p 101-102 -do- flag Y

Δ p 107-108 -do- flag Z

※ p 100 -do- flag Y

× 5-2

If the case pointed out by D.S. (Shri Sadhwani) in his × note dt 10.12.52, it was decided to grant licences to the party. Please see office Π note dt 14-1-53 and Secy's Δ notes dt 6-2-53 & 14-2-53 with C.M's orders thereon:

4. As regards prosecution of the party under the Bldg Control Act, Secy, P.W.D had ※ noted on 25.12.53 × as follows:-

"A.C sheets & cement are now easier now. G.O.I have also separately advised relaxation of control on cinema building. We are not likely to restrict cinemas hereafter if use of steel is not involved; this change in policy is under consideration. Even if the Supreme Court decided in our favour, it is not likely that the present party would be prosecuted in view of A on p 11. HD may therefore decide the issue of licence on merits. M(Housing) may see in H.D."

1591/Cons
1-11-54
A

5 With these remarks the p/s may be passed on now to the L.D

29.10.54

29/X

D.S.

Note to L.D, d. ~~29~~ 30-10-54
(Like two file BBA 135

7 45

Legal Department.

The view expressed in para. 3 and 5 of the P.W.D. note dated 4-10-54 that there is no period of limitation for filing a complaint in respect of an offence under section 9 of the Bombay Building Control Act, 1948 is correct. There is no substance in the contention that the Government has waived the breach by not filing the complaint in good time after the decision of the Supreme Court.

2. As regards the request for the withdrawal of the prosecution the P.W.D. may take into consideration the contents of para. 4 and 5 of the H.D. note dated 29-10-54 and the observations of the Supreme Court in State of Bombay vs. Pandurang Vinayak (55 Bom.L.R. p.526 at p. 529).

S.M.Palekar
5/11/54

Joint Secretary to Government.

U.R. to P.W.D.No.1607/A/Cons, dated the 5th November '54.

BBA 1354

KYK/4.11 146884

H

Re

8/11

8/11

BBA 1354/146884
150584

H.Br. P.W.D.

Submitted with reference to this Deptt. U.O.R. it. the 6-10-54.

2. The Proprietors of Shri Shakti Talkies, Ranebennur, had committed a breach of the Bombay Bldg. (Control on Erection, Re-erection and Conversion) Act, 1948, and the D.M. and Controller of Bldgs., Dharwar, was, therefore, instructed to launch prosecution against them.

3. The proprietors approached Govt. with a request to withdraw the prosecution launched against them on the following grounds :-

(1) They had made an application to the D.M. for a 'no objection' certificate and it was forwarded to the Police Inspector, Haveri Sub-Dn., for necy. action. One of the Proprietors had made a request to the Police Inspector for grant of permission under the Bombay Bldg. (Control on Erection) Act, 1948. But no reply was received for more than a month. As no reply was received by them for more than a month, their application, permission is deemed to have been granted as per sub-section (3) of section 4 of the Bombay Bldg. (C. on E) Act, 1948.

(2) The D.M. gave them a 'no objection' certificate and a license after considering all objections. Since they were given a 'no objection' certificate and a license by the DM., the breach committed by them of the provisions of the Bombay Bldg. (C. on E) Act, 1948, is deemed to have been condoned by Govt.

(3) The Supreme Court gave its decision in the....

the case State of Bombay v/s P. V. Chaphalkar and others on 13-3-53 and the complaint was lodged by the D.M. on 5-7-54. As the complaint was lodged after more than a year after the Supreme Court's decision, it is submitted that Govt. has waived the technical breach, if any, by not making the complaint in good time after the Supreme Court's decision was known.

4. As for para. 3(1) above, a perusal is requested of para. 3 of H.D.N., dt. the 4-10-54.

5. As for para. 3(2) above, it may be stated that the parties' claim is untenable as mere grant of a 'no objection' certificate and a license do not mean that the breach under the Bombay Bldg. (C. on E.R. & C.) Act, 1948, is condoned. The H.D. had granted licenses to the parties in view of the circumstances mentioned in para. 3 of its O.N., dt. the 29-10-54.

6. As for para. 3(3) above, the L.D. has upheld the view taken by this Deptt. that there is no period of limitation for filing a complaint in respect of an offence under sec. 9 of the Bombay Bldg. (C. on E.R. & C.) Act, 1948. There is no substance in the contention that the Govt. has waived the breach by not filing the complaint in good time after the decision of the Supreme Court, was known.

7. The L.D. has suggested regarding the request for the withdrawal of prosecution that this Deptt. may take into consideration the contents of para. 4 of H.D. O.N. dt. the 29-10-54 and the observations of the Supreme Court in State of Bombay v/s P. V. Chaphalkar and others.

8. The H.D. has quoted Secy., P.W.D's note dt. the 25-12-53 in H.D. File 2922/5-D.I-(A).

The....

The note is as below :

" A.C. sheets and cement are both easier now. Govt. of India have also separately advised relaxation of control on cinema bldg. We are not likely to restrict cinemas hereafter if use of steel is not involved; thus change of policy is under consideration. Even if the Supreme Court decided in our favour, it is not likely that the present party would be prosecuted in view of A on p. 11. H.D. may, therefore, decide the issue of license on merits. M(Housing) may see in H.D."

The parties had used 440 bags (22 tons) of cement and 1,560 sq. ft. of a.c. sheets in the construction work of this cinema theatre. The D.M. reported* the breach to Govt. on 8-9-52. The parties must have, therefore, used cement etc. in the construction work prior to that date. From 'A' on p. 4 ante, it will be seen that the certificate granted to the parties was withdrawn by the D.M. on 4-10-50 and that in spite of this the parties went ahead with the construction work and completed the cinema bldg. Secy., P.W.D's note on H.D. file is recently recorded (on 25-12-53) when the position of cement and a.c. sheets became easier while the parties used cement and a.c. sheets without the D.M.'s permission in the period from 1950 to 1952 when the position regarding cement, etc. was not so easy. Secy., P.W.D's remarks at 'X' are of general nature and they would apply to cases subsequent to 25-12-53. In the present case, the breach was committed between 1950 to 1952. Moreover, decision+ was taken by Govt. to prosecute the parties for the breach and the D.M. has already launched prosecution against the parties.

A

* Slip R in File BBA 1353 begin below

+ Slip C

In....

In the present case, the parties have committed a clear breach of the Act in not obtaining the prior permission of the Controller of Bldgs. for commencing the construction work of their cinema theatre. The parties request to withdraw prosecution launched against them may not, therefore, be granted. For orders.

2.DRN.29.11.54.

a bon remarks, 30/11/54. w/r to para 2 above.

30/11 US

Addl. DS

Secy.

M (Housing)

To. Q.B 3/12

Q 13v

4/12

Resubmitted after discussion with US.

2. These papers pertain to the request of the Proprietors of Shakti Talkies, Ranebennur for withdrawal of the prosecution case launched against them under the Bombay Building (Control on Erection, Re-erection and Conversion) Act, 1948.

× Slip C in file N. BBA 133 below

@ Slip 'D' - do -

3. The parties had committed a breach under the said Act and the D.M. was instructed to launch prosecution against them. The proprietors have applied for withdrawal of the prosecution on the grounds mentioned in para 3 of 1st Addl. order dated 29/11/54. The L.D. has observed that as regards request for the withdrawal of prosecution the PWD may take into consideration the contents of para 4 of the H.D. note dt. 29/10/54 and observations

of Supreme Court in 'State of Bombay Vs. Pandurang Vinayak.

4. Para 4 of the H.D. note dt. 29/10/54 refers to the observations made by the Hon'ble Secretary, P.W.D. regarding use of A.C. sheets and cement for cinema theatres. In this connection it was pointed out in para 8 of the O.M. dt. 29/11/54 that the Hon'ble Secretary P.W.D.'s observations regarding A.C. sheets and cement pertained to a date (i.e. on 25-12-53) and the breach of the Act was committed by the parties earlier (i.e. before 8-9-52). However, it is not clear, whether these observations were made by the Hon'ble Sec., P.W.D. with reference to the present parties or not. Before finalising this case further the H.D. may be requested to make available their file No. 2922/5-D I-A containing the observations quoted in para 4 of their note dt. 29-10-54.

7/12/54

10/12

SECRETARIAT
Regd. No. PWD BBA 1354/1284
Date 13-12-54
Serial No. C-6340

D 13/12

sent to the H.D. dt. 13-12-54 11-12-54

× file no. BBA/13

10/12

11/12

BBA 1354/171123

31

H.D.

P.W.D.

Submitted

Home Deptt (Secy)

Submitted w.r.t para 4 of P.W.D note dt. 9.12.54.

The then Secy, P.W.D's note dt 25.12.52 will be found at p.100 (flagged Y) in H.D file no: 2922/5-D I(A). The P.W.D may be informed that the contents of this file are Secret and therefore to return it as soon as possible.

RTD
20/12/54

* placed below

D.
BBA 1354
171123

SECRET

A.S. 29/12

Note to P.W.D, d. 21-12-54

72/XII/54 Pl. see note to Supdt H.D. dated 29/12

(with files 2922/5-D-I(A) H.D. and BBA/1353 P.W.D.)

Secy.

M (Housing)

In para 3 of the note dt. 29/11/54. As regards the party's request for withdrawal K.D. has stated that the P.W.D. may take into consideration the contents of para 4 of the H.D. note dt. 29/10/54 and the observations of the Supreme Court in the State of Bom vs. Pandurang Vinayak.

5. It was pointed out in the note dt. 29/11/54 that the breach was committed by the party merely before the observations referred to in the H.D. note

29/10/54 were recorded i.e. the breach was committed before 8-9-52 and the observations were recorded on 23/12/52. Nevertheless the Sentary's observations recorded on 23/12/52 pertained to the same construction viz: Cinema Theatre at Ranebinnur. The Sentary had observed as at 'X' on page 10 ante and this observation was based on the advice of the Govt of India regarding relaxation on control on cinema buildings. It was then decided that while granting permission to these specified building materials, it should be checked on use of iron and steel but not bricks or A.C. sheets. The position of cement at that time was easier (i.e on 23/12/52) and as the party had not used iron and steel in construction Cinema Theatre at Ranebinnur Sentary had observed that even if the Supreme Court decided in our favour it is not likely that the present Party (viz: Proprietor of Shri Shakti Talkies at Ranebinnur) would be Prosecuted. However as there was a clear breach as stated above, orders asking the D.M. to Prosecute the party for Breach of the Bombay Building Control Act were issued. In the circumstances 'A' on page 11 ante is for orders.

× Slip Y HD file No. 2922/5/54-DI A below

Ⓑ Slip M of file No. CB 3105 below

※ Slip N above

Ⓒ Slip P of HD file No. 2922/54-D-I(A) below

7/11/54

discussed with US. to be submitted 11/11/54

US
Addl. D.S.
Sy.
M (Housing)

7 53

RBA 1354/171123

P. W. D.

'Q'

Resubmitted.

+ kept below

2. The H.D. has forwarded file No. 2922/5 D-I-A, containing the observations quoted in para.4 of the H.D. note, dt. 29-10-54.

3. It may be seen from the O.N., dt. 29/30-11-54 that the parties had used 440 bags (22 tons) of cements and 1,560 sq. ft. of A.C.Sheets in construction of Cinema theatre at Ranebennur without permission of the Controller of Buildings and thus committed a clear breach of the Bombay Building (Control on Erection, Reerection and Conversion) Act, 1948.

4. The proprietor has approached Govt. for withdrawal of the prosecution on the grounds mentioned in para.3 of the O.N. dt. 29/30-11-54. As regards party's request for withdrawal L.D. has stated that the P.W.D. may take into consideration the contents of para.4 of the H.D. note, dt. 29-10-54 and observations of the Supreme Court in the State of Bombay vs Pandurang Vinayak.

5. It was pointed out in O.N., dt. 29/30-11-54 that the breach was committed by the party much before the observations referred to in the H.D. note, dt. 29-10-54 were recorded. Nevertheless the Secy.'s observations recorded on 23-12-54 pertained to the present construction only, viz. Shakti Talkies at Ranebennur. It is pertinant to state that Secy. had stated that even if the Supreme Court decided in our favour it is not likely that the present party would be prosecuted. This remark of Secy. appears to have been guided by the advice of the Govt. of India regarding relaxation of Control on the Cinema Building where it was decided that while granting permission to use specified building materials, there should be check on use of Iron and Steel but not on Cement at that time being in easy supply. Bricks and A.C.Sheets. In the case of Shakti Talkies no iron and steel was used. However, the orders regarding prosecution of the Proprietor, Shakti Talkies seem to have been obtained

25.12.52

Under Slip Y of HD file No 2922/5 D-I-A below

A

Under Slips M & N file No CBM10S2-Q below

Slip C of file No BBA1353H below

(1)

also.....

along with other similar cases which were kept pending the decision of the Supreme Court in the Chaphalkar case.

6. On going through the H.D. file No.2922/5-D-I(A) below it may be seen that the present party viz. the Proprietor of Shakti Talkies, Ranebennur had contravened the provisions of the Cinema rules and the C.M. had taken the view that in such cases where there may have been contravention of rules or law and at the same time circumstances exist which would justify Govt. taking a lenient view some penalty may be imposed which cannot be a fine, but the party concerned may be requested to contribute a specific sum to an object named by Govt. Accordingly Shri Byadgi has donated (1) Rs. 5,000/- to the Famine Relief Fund, Rs. 2,500 to Karnatak University and Rs. 2,500/- to K.E.Board's Arts and Science College, Dharwar. In view of this and in view of 'A' overleaf this Deptt. may perhaps agree to withdraw the prosecution filed against Shri Byadgi, the Proprietor, Shakti talkies, Ranebennur, in consultation with the H.D. and the L.D.

x vide Slip 'O' of HD file No 2922/5-DI(A) below

Under Q-note -

9 Time so. 1/4/1955

1/2/55

1/2/55

UNJ
31/1/55

1/4/1955

Seen
Addl Secy
m(Housing)

The party in question had committed not only a violation of the Bombay Buildings Control Act by unauthorizedly using cement and asbestos sheets in the construction of a cinema house at Ranebennur (Dharwar District), but also violated the Cinema Rules. So far as the latter violation is concerned the H.D. has condoned the irregularity and given a license for running the cinema to the party on his paying Rs.10,000 to certain public charities in the Karnatak. For the unauthorized use of cement and asbestos sheets the P.W.D. in October 1953 ordered his prosecution for the breach of the Bombay Buildings (Control on Erection) ...

49-35

Erection) Act, 1948. At the same time prosecution was sanctioned by the P.W.D. for similar breaches against 8 other persons. The party has now submitted an application for the withdrawal of the prosecution against him. The grounds advanced by him, ~~and~~ as discussed in the office note, are untenable. There are no special reasons why we should withdraw the prosecution. Besides, such a withdrawal may become an embarrassing precedent as it will be difficult to resist similar requests from other parties against whom we have sanctioned prosecution. Only recently Government decided in favour ~~sanction~~ of a similar prosecution against Shri Manu Subhedar. It is true that the H.D. has condoned breach of the Cinema Rules on condition of the party paying Rs.10,000 to certain charities, but that breach was more or less formal and did not involve use of material which was in short supply and the conservation of which was necessary in the public interest. It is also true that Shri Dravid in his note at one stage on 25-12-52 on page 100 of the H.D. file No.2922/5-D-I(A) kept below had stated that it was not likely that the party in question would be prosecuted in view of the Government of India's suggestion for the relaxation of control on building materials for cinemas. In spite of that Shri Dravid himself was a party to the prosecution sanctioned in October 1953 against the ~~party~~ person concerned. For these reasons I do not advise withdrawal of the prosecution.

Mr. Belleri
Put up a draft
after cons. HCM
27/2

Issue 28/2

22/2

M.(Housing).

28/2

H.D. (B.C., Reh & H)
No: BBA 1354/1505-54
H Br.

Resubmitted with the draft for approval. p. 11 c/s

Sd/-
6/8/55

A.S. (Hum; Genl)

To H & B.C.D.
H Br.
→ put up to I.G.D.

The H.D. Secret file No 2922/5-D-I(A) was received from H.D. on 27-12-54 with → p 13 ante H.D. WR No PWD BBA 1354/12184/6340-C dtd 21-12-54. It is no longer required by this Deptt. It may therefore be returned to that Deptt. H.D. may retain its file & return this case.

1.w/6/55

14 JUN 1955

Sd/- illegible
14/6/55

n.o.v. to H.D. dy. on 14th c ST
+ with H.D. Secret file 2922/5-D-I (A)

Pl. issue n.o. to H.D.

H.D. (Pool)

These papers may be returned n.o. to R.H. & B.C.D. This Deptt. file (2922/5-D-I(A)) has been retained in this Deptt.

Sd/-
21/6/55

PWD (C)

Sd/-
22/6

A.S.

W/order to R H & B C D, d. 23-6-55

Sd/-
6/23/55

Sd/-
24/6

PWD DEPARTMENT
PWD BBA 1354/12184
15-6-55
16 C 2709
16/6

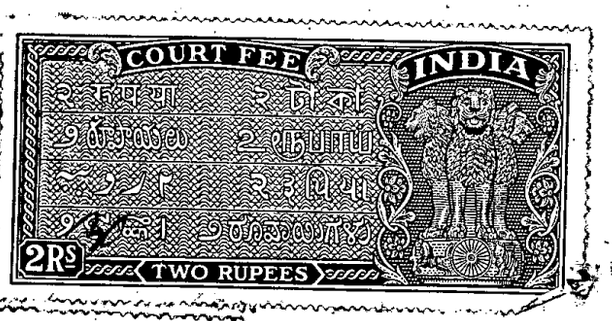
PWD DEPARTMENT
File BBA 1354
S. 26405
Date 24 JUN 1955

3/ BBA 135/1/26/10

Hon

Advocate Delhi

[illegible] [illegible] [illegible] [



Cx
BCR-4054
9/8/54
T1 55010

The Honourable Home Minister,

Government of Bombay,

Bombay .

Respected Sir,

We, the undersigned proprietors of Shri Shakti Talkies, Ranebennur, District Dharwar, beg to lay before your Honour the following few lines for favourable consideration.

1. We decided the building of a cinema theatre at Ranebennur and applied to the District Magistrate, Dharwar, on 19-5-1950 for permission and a location certificate. The said application was forwarded to the Police Inspector, Haveri Sub Division, for necessary action. During the course of his enquiry, Shri B.F. Byadgi, the then managing partner, made a statement on 10-8-1950 to the said officer that he was willing to construct the cinema building subject to the provisions of the Bombay Building Control on Erection Act, 1948, and that he should be given a location certificate and a permission under the Bombay Building Control on Erection Act, 1948, if it was necessary.

2. After necessary enquiry, the location certificate was granted on 10-8-1950. We

We waited for more than a month after our application in the form of the statement by the managing partner and after the decision of the Bombay High Court in (The State of Bombay Vs. Pandurang Vinayak Chaphalkar and others, A.I.R. 1951 Bom, 263) that permission under the Bombay Building Control on Erection Act, 1948, was not necessary in the mofussil of Bombay State as no notification had been issued under Sec. 1 (3) of the said Act, we started building operations of the cinema theatre.

3. Section 4 of the Bombay Building Control on Erection Act, 1948, lays down that every person desiring to commence the work of erection of a building shall make an application in writing to the Controller for permission to do so. Sub-section (3) of this Section provides that if at the expiration of period of one month after an application under Sub-section (1) has been received by the controller and no order has been passed by the controller, permission shall be deemed to have been granted without imposition of any condition. On 7th March, 1950, it was announced that respective District Magistrates were the controllers of the various districts concerned. Our application for no objection certificate to the District Magistrate was forwarded to the Police Inspector to whom one of the propritors made a request

for grant of the permission under the Bombay Building Control on Erection Act, 1948, and after waiting for more than one month the con--struction of building was started. As no reply was received for more than a month for the application submitted to the District - Magistrate through the Police Inspector, Haveri Division, it is submitted that permission is deemed to have been granted as per Sub-sec. (3) of Sec.4 of the Bombay Building Control on - Erection Act, 1948.

4. After the no-objection certificate was given, the District Magistrate wanted to reconsider the grant of location certificate by the Police Officer authorised to do the same under the Rules. After thorough investigation into all the objections about the necessity of a cinema theatre at Ranebennur, a license was issued to the applicants on ২৪-২-1953 and the theatre was publicly opened on 16-3-1953. It is submitted therefore that the grant of a license on ২৪-২-1953 after all objections were considered by the District Magistrate and after the so-called breach under the Bombay Building Control on Erection Act,1948, is deemed to have been condoned by the Government.

5. Besides the decision of the Supreme Court in (State of Bombay Vs. Pandurang - Vinayak and others 1953 S.C. 244) was given

on 13-3-1953 and the complaint is lodged against the applicants on 5-7-1954 in the Court of the Judicial Magistrate, F.C., - Ranebennur, more than a year after the said decision. Such a long delay may not only be condoned, but it is submitted that the Government have waived the technical breach, if any, by not making the complaint in good time after the decision of the Supreme Court on the strength of which the complaint is filed. As it is stated in the complaint that it has been filed under directions of the Government, the applicants have approached the Government.

It is therefore requested for all these reasons that the Government will kindly order the withdrawal of the complaint, so that the applicants may not be unnecessarily put to incon-venience and loss of time and money, for which act of kindness, the applicants shall ever pray.

R a n e b e n n u r .

Date : 9 -8-1954

We beg to remain

S I R,

Yours faithfully

1. Basappa Fakirappa Byadgi Ran. Tanneer
2. ಬಿಳಿದಂಡಿ ಪಿ ಹಿಂಡಿಲಕ್ಷಿ ಪ್ರಭು
3. Firakappa Hanamappa Koki Raneben
4. ರಾಮಾಜಿ ಆಂಜನೇಯಾ ಧೋಲಂಗಡಿ ಪಾಲ್ ಹುಬಳ್ಳಿ

No. BCR 4054/55040-Poll.
Home Department (Political).
Bombay Castle, 10th September 1954.

From

The Assistant Secretary to the Government of Bombay,
Home Department (Political).

To

Shri B.F.Byadgi,
Proprietor, Shakti Talkies,
Rannebennur, District Dharwar.

Sir,

I am directed to refer to the representation dated the 9th August 1954 from you and three others requesting Government to order the withdrawal of the complaint lodged against you in the Court of the Judicial Magistrate, First Class, Rannebennur, and to state that it has been passed on to the Public Works Department for disposal. Any further correspondence in the matter may please be addressed direct to that Department.

Yours faithfully,

D.J.Amberkar,

Assistant Secretary to the Government of Bombay,
Home Department (Political).

No ...

Sov.9.

6

No.BCR 4054/55040-Poll.
Home Department (Political).
Bombay Castle, 18th September 1954.

Copy, with the 1-h and representation in original, forwarded to the Public Works Department for disposal.

Assistant Secretary to the Government of Bombay,
Home Department (Political).

Sov.9.

H
1419

BBH 1253
91790
5-10-53

(Settled)
1519

P. W. D.
File No. ~~HDBCR 4~~ BBH-1354
Serial No. 12811

1519 f/1
Rec. on 1519 f/1
139 f/1

17.

(True Copy)

No. BCR 4054/55040-Poll.
Home Department (Political).
Bombay Castle, 10 September 1954.

From

The Assistant Secretary to the Government of Bombay,
Home Department (Political)

To

Shri B.F.Byadgi,
Proprietor, Shakti Talkies,
Ranebennur, District Dharwar.

Sir,

I am directed to refer to the representation dated the 9th Aughust 1954 from you and three others requesting Government to order the withdrawal of the complaint lodged against you in the Court of the Judicial Magistrate, First Class, Ranebennur, and to the state that it has been passed on to the public Works Department for disposal. Any further correspondence in the matter may please be addressed direct to that Department.

Yours faithfully,

s/d Assistant Secretary to the Government of Bombay,
Home Department (Political).

Sov. 9.

To

The Secretary, Government of Bombay,
Public Works Department, Bombay,
Bombay.

Respected Sir,

I, the undersigned B. F. Byadgi, Proprietor, Shri Shakti Talkies, Ranebennur, District Dharwar; beg to state a few lines for favour of your Honour's kind consideration.

I and the three other partners of the Shri Shakti Talkies, Ranebennur, had made a representation by an application dated 9th August, 1954, to the Home Department (Political) to order the withdrawal of the complaint lodged against us under Sec. 9 (2) read with Sec. 44 of the Bombay Building (Control on Errection) Act, 1948, in the Court of the Judicial Magistrate, First Class, Ranebennur. I have been informed by a letter dated 10th September, 1954, by the Assistant Secretary to the Government of Bombay, Home Department, (Political) that our application has been passed on to the Public Works Department for disposal and further correspondence in the matter may be addressed direct to that department

Therefore I request your Honour will be kind enough to inform me at an early date about the disposal of our application in the matter, for which act of kindness the applicant shall ever pray.

Ranebennur;

Date : 8 -11-1954.

B. F. Byadgi

P. W. D.
File No.
Serial No.

P. W. D.
File No. B/A 1354
Serial No. 150584

No. BBA 1354/150584-H

DD (Be, Reh and H)
PWD Secretariat
Be (Bbay no. 1)
10/3/55

To

Shri B. F. Byadgi
Proprietor, Shakti Talkies
Ranebennur, District Dharwar

Sir,

With ref. to your letter dated 8-11-1954 addressed to the Secretary to the Govt of Bbay, Public Works Deptt, I am directed to state that your request for the withdrawal of the complaint lodged against you and three other partners of Shri Shakti Talkies, Ranebennur in the Court of Judicial Magistrate, First Class, Ranebennur cannot be granted.

Yf
8/3/55
AS to Govt

Rec'd for
Advo Gen
14/3

with copy

ISSUED
16/3/55

The H.D. (Political) Copy forwarded to the H.D. (Political) (with ref to their Deptt endorsement dated 6 Aug no. BCR 1054/550 40-(P&M) dated 10-9-1954)

The Collector of Dharwar (with a copy of the representation dated 9-8-1952 Mr 1-4 Aug)

Address sheet signed by shri Basappa Shankarappa Byadgi and three others.

Sum
24/3/55

Please issue & return
7/3

file
25/6

1/7/73

3 DD (B.C., Rich of

No. BBA. 1354/1830

Submitted

2. The new posts are in the P.W.D. and that Deptt may be requested to. Receive the papers of this Deptt

Sd/-
15/2/55

Q
re-2
A
18/2

P. W. D.

No. DD/BBA/354 dt. 17-2-55

W.O. No. 24794

Sd/-
18/2

7-2-55

QBr.

PWD

This may be returned to the D.D. (B.C. Reh & Hsng) with an intimation that the papers quoted overleaf have already been sent to that Dept on 25/2/55

26/2/55

28/2/55

Supdt

U.O.r. to the D.D. (B.C., Reh. & Housing) dt 28/2/55

REHABILITATION DEPARTMENT
File No
Date 1 MAR 1955
S. No

H
3/3

P. W. D.
File No. BBP 334
Serial No. 8

H.

29 DD. (Re Rch and HO)
BKA/1554
No. 13524/872

29

Submitted.

2. The main papers are under issue. This may await till the main papers become available.

Sup.
16/3/88

JB
17.3

Submit

A
25/3

(X) BBA 1354/17123
Addl. DS. Engg. thro. a/w.
on 30/2/55.

23 25

Std. Sectt. 23 e.

HOME DEPARTMENT (Pol)

Unofficial Reference No. PWD. BBA. 1354 / 12811 dated 21/1/55

The attention of Public Works Department is requested to the unofficial reference from this Department noted in the margin, the early return of which with a reply will be convenient.

Subject— Cinema theatre at Ranibennur, Dharwar

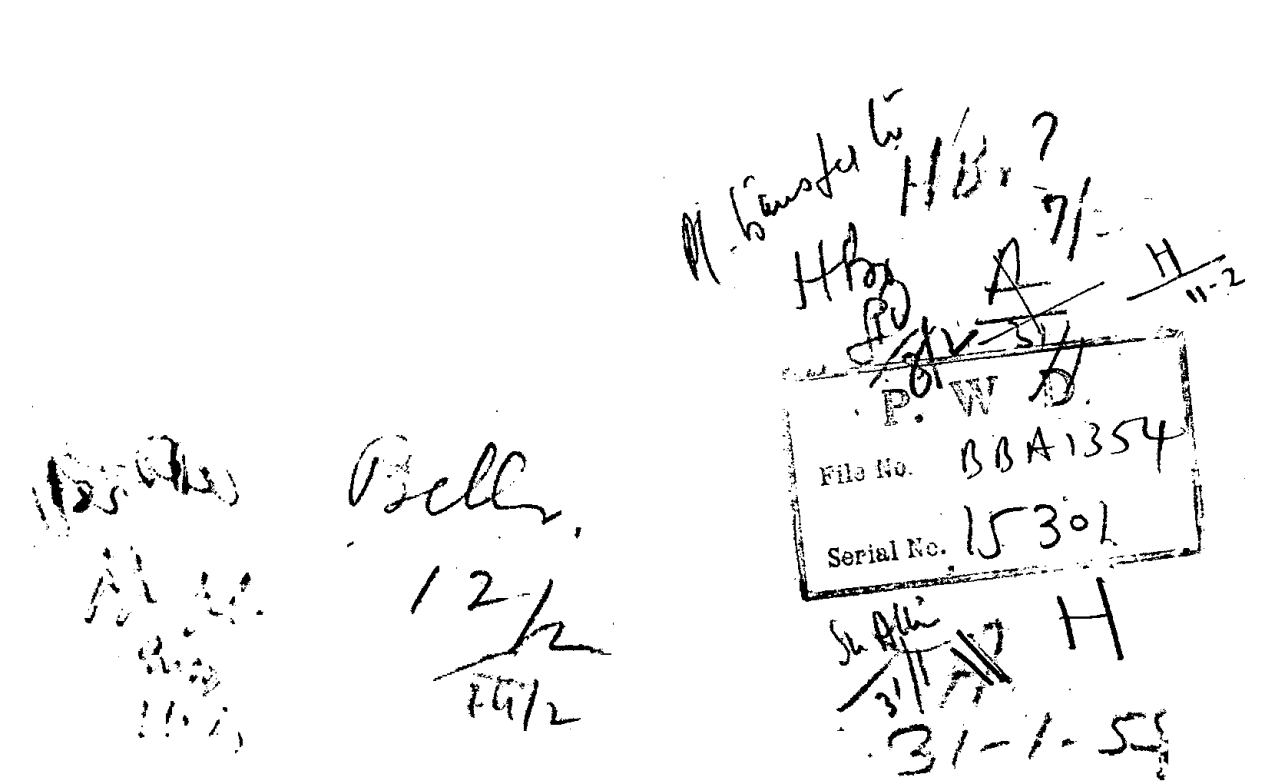
(Shri B.F. Byadgi)

Unofficial reference to the Department No. PWD. BBA. 1354 / 12811 dated 28th Jan'55

Yours faithfully,
Secretary to Government.
Home Deptt.

Deputy Secretary to Government
Home Deptt. (Ex. Bs.)

P.W.D.


P. W. D.
File No. BBA1354
Serial No. 15302